
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART II

APPEALS

COMMENCING APPEAL PROCEEDINGS

Time and manner of commencing appeals

8.—(1) An appeal to the Tribunal must be made by sending a notice of appeal to the Registrar so that it is received within two months of the date upon which the appellant was notified of the disputed decision or the date of publication of the decision, whichever is the earlier.

(2) The Tribunal may not extend the time limit provided under paragraph (1) unless it is satisfied that the circumstances are exceptional.

(3) The notice of appeal shall state—

- (a) the name and address of the appellant;
- (b) the name and address of the appellant's legal representative, if appropriate;
- (c) an address for service in the United Kingdom; and
- (d) the name and address of the respondent to the proceedings,

and shall be signed and dated by the appellant, or on his behalf by his duly authorised officer or his legal representative.

(4) The notice of appeal shall contain—

- (a) a concise statement of the facts;
- (b) a summary of the grounds for contesting the decision, identifying in particular:
 - (i) under which statutory provision the appeal is brought;
 - (ii) to what extent (if any) the appellant contends that the disputed decision was based on an error of fact or was wrong in law;
 - (iii) to what extent (if any) the appellant is appealing against the respondent's exercise of his discretion in making the disputed decision;
- (c) a succinct presentation of the arguments supporting each of the grounds of appeal;
- (d) the relief sought by the appellant, and any directions sought pursuant to rule 19; and
- (e) a schedule listing all the documents annexed to the notice of appeal.

(5) The notice of appeal may contain observations on the question in which part of the United Kingdom the proceedings of the Tribunal are to be treated as taking place for all or for any purposes of those proceedings.

(6) There shall be annexed to the notice of appeal—

- (a) a copy of the disputed decision; and

(b) as far as practicable a copy of every document on which the appellant relies including the written statements of all witnesses of fact, or expert witnesses, if any.

(7) Unless the Tribunal otherwise directs the signed original of the notice of appeal (and its annexes) must be accompanied by ten copies certified by the appellant or his legal representative as conforming to the original.

Defective notices of appeal

9.—(1) If the Tribunal considers that a notice of appeal does not comply with rule 8, or is materially incomplete, or is unduly prolix or lacking in clarity, the Tribunal may give such directions as may be necessary to ensure that those defects are remedied.

(2) The Tribunal may, if satisfied that the efficient conduct of the proceedings so requires, instruct the Registrar to defer service of the notice of appeal on the respondent until after the directions referred to in paragraph (1) have been complied with.

Power to reject

10.—(1) The Tribunal may, after giving the parties an opportunity to be heard, reject an appeal in whole or in part at any stage in the proceedings if—

- (a) it considers that the notice of appeal discloses no valid ground of appeal;
- (b) it considers that the appellant does not have (or represent those who have) a sufficient interest in the decision in respect of which the appeal is made;
- (c) it is satisfied that the appellant has habitually and persistently and without any reasonable ground—
 - (i) instituted vexatious proceedings, whether against the same person or different persons; or
 - (ii) made vexatious applications in any proceedings; or
- (d) the appellant fails to comply with any rule, direction, practice direction or order of the Tribunal.

(2) When the Tribunal rejects an appeal it may make any consequential order it considers appropriate.

Amendment

11.—(1) The appellant may amend the notice of appeal only with the permission of the Tribunal.

(2) Where the Tribunal grants permission under paragraph (1) it may do so on such terms as it thinks fit, and shall give such further or consequential directions as may be necessary.

(3) The Tribunal shall not grant permission to amend in order to add a new ground for contesting the decision unless—

- (a) such ground is based on matters of law or fact which have come to light since the appeal was made; or
- (b) it was not practicable to include such ground in the notice of appeal; or
- (c) the circumstances are exceptional.

Withdrawal of the appeal

12.—(1) The appellant may withdraw his appeal only with the permission of the Tribunal, or if the case has not yet proceeded to a hearing, the President.

- (2) Where the Tribunal gives permission under paragraph (1) it may—
 - (a) do so on such terms as it thinks fit; and
 - (b) instruct the Registrar to publish notice of the withdrawal on the Tribunal website or in such other manner as the Tribunal may direct.
- (3) Where an appeal is withdrawn—
 - (a) any interim order of the Tribunal, other than an order made in respect of costs, shall immediately cease to have effect; and
 - (b) no fresh appeal may be brought by the appellant in relation to the decision which was the subject of the appeal withdrawn.